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**MEMO ENDORSED**

February 11, 2008

**BY FAX**

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Facsimile No. : 212-805-7949

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Re: *George Hayes et al. v. City of New York et al.*, 07 CV 6387 (PKC)

Your Honor:

I represent the plaintiffs in the above-referenced civil rights action. This letter is written to respectfully request an extension of time for the parties to complete fact discovery from February 18, 2008 to April 18, 2008. This is a joint request.

As Your Honor may recall, plaintiffs amended the complaint and named six additional individual defendants on December 14, 2007 based on information provided by defense counsel. While we have no doubt that defense counsel has been diligent, it was not until the past week that we received the service information necessary to serve five of the defendants. We still await service information for the sixth, who we believe is on modified duty due to a pending disciplinary matter. Given that the individual defendants will have to request legal assistance from the City's Corporation Counsel's office upon being served, and thereafter will have to meet with defense counsel prior to responding to the Amended Complaint and appearing for depositions, the parties respectfully request a sixty day enlargement of time to complete fact discovery from February 18, 2008 to April 18, 2008.

Furthermore, while sorting out service issues, the parties have been engaged in document discovery, as well as ongoing settlement negotiations that have been supervised by Magistrate Judge Dolinger. The parties met with Magistrate Judge Dolinger on January 7, 2008 and February 1, 2008, and negotiations are continuing with the hope that the case can be resolved in the next few weeks. Thus, the extension of discovery will permit the parties to exhaust their good faith settlement negotiations with

the possibility of saving the cost of the numerous depositions that remain to be taken in this case in the event that a settlement cannot be reached.

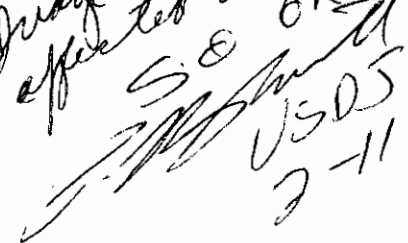
For the foregoing reasons, the parties respectfully request that their time to complete fact discovery be extended to April 18, 2008.

Thank you for your consideration.

Respectfully submitted,

  
Brett H. Klein

cc: ACC Sarah Evans

Fast discovery  
extended to April 18.  
Expert discovery extended  
to May 16.  
Feb 29 conference  
vacated. Write conference  
it April 25. If there  
is a next time in a  
future case please  
copy with 1 individual  
Proctor at 1C  
rather than have the  
Judge hunt for other  
affected states.  
S.E. ORDERED  
  
USD  
2-11-08

at 11:15 a.m.